

## 100 - Office of Attorney General

### A001 Administrative Activity

The administrative function of the Office of the Attorney General includes the Attorney General's office, deputies and administrative support, financial services, human resources, and facilities staff.

	FY 2010	FY 2011	Biennial Total
FTE's	89.8	89.8	89.8
GFS	\$0	\$0	\$0
Other	\$12,168,000	\$12,223,000	\$24,391,000
Total	\$12,168,000	\$12,223,000	\$24,391,000

**Statewide Result Area:** Strengthen government's ability to achieve results efficiently and effectively

**Statewide Strategy:** Provide data, information, and analysis to support decision-making

#### Expected Results

Provide continued high quality leadership and support for the agency and its employees as they deliver efficient and effective legal services to state agency clients.

PM0001/ADM - Percentage of Mandatory Training Completed.				
Biennium	Period	Target	Actual	Variance
2009-11	7th Qtr	100%	0%	(100)%
	5th Qtr	100%	0%	(100)%
	3rd Qtr	100%	0%	(100)%
2007-09	8th Qtr	100%	99%	(1)%
	4th Qtr	100%	97%	(3)%
	1st Qtr	100%		
Enables the AGO to meet the expectation that all staff participate in specific mandatory training by showing total numbers of participants.				
Training components include: Sexual Harassment, Defensive Driving, Ethics, HIPPA, Records Retention, and Protect It				

### A002 Civil Commitment of Sexually Violent Predators

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

This Sexually Violent Predator Unit is responsible for investigating, prosecuting, and defending the commitments of all sexually violent predators in 38 of the 39 counties in Washington. The unit enhances public protection by developing and maintaining a group of highly skilled prosecutors and support staff who have expertise in the unique legal and mental health issues associated with sexually violent offenders. The unit handles all aspects of sexually violent predator cases including pre-filing investigation, pre-trial discovery and proceedings, trials; appeals at all levels; annual reviews, less restrictive alternative proceedings, and recommitment or release trials.

	FY 2010	FY 2011	Biennial Total
FTE's	19.5	19.5	19.5
GFS	\$0	\$0	\$0
Other	\$2,445,000	\$2,472,000	\$4,917,000
Total	\$2,445,000	\$2,472,000	\$4,917,000

**Statewide Result Area: Improve the safety of people and property**

**Statewide Strategy: Confine and rehabilitate adult offenders**

### Expected Results

The Sexually Violent Predator Unit assures that the most dangerous and violent sexual predators in the state are detained, evaluated, and treated until they no longer constitute a threat. Consequently, fewer people are victimized, and the public is protected from those sex offenders who are most likely to reoffend.

**PM0002/SVP - Percentage of SVP Cases Resulting in Commitment.**  
The higher the commitment rate, the more successful the SVP unit is in civilly committing dangerous sexual predators and thereby protecting the public from these offenders.

Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	95%	0%	(95)%
	4th Qtr	95%	0%	(95)%
2007-09	8th Qtr	95%	76%	(19)%
	4th Qtr	95%	100%	5%

*Civil commitment of sexually violent predators requires the "hospitalization" of the most dangerous sexual offenders until they are treated and safe to be returned to the community.*

## A003 Criminal Investigation and Prosecution

*Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast*

When requested by the Governor, county prosecuting attorneys, or the Organized Crime Intelligence Unit of the Washington State Patrol, the Criminal Litigation Unit (CLU) investigates and prosecutes all levels of criminal cases. The types of cases commonly handled by the CLU include homicide, sexual assault, multi-jurisdictional crime, white-collar crime, governmental corruption cases, environmental crimes, tax fraud cases on behalf of the Department of Revenue, licensing fraud on behalf of the Department of Licensing, insurance fraud on behalf of the Office of the Insurance Commissioner, and fraudulent worker's compensation claims on behalf of the Department of Labor and Industries. This unit may also assume responsibility for the appellate review of a criminal case originally brought by a county prosecutor if that case involves fundamental issues affecting the public interest and the administration of justice.

	FY 2010	FY 2011	Biennial Total
FTE's	5.1	5.1	5.1
GFS	\$646,000	\$662,000	\$1,308,000
Other	\$0	\$0	\$0
Total	\$646,000	\$662,000	\$1,308,000

**Statewide Result Area: Improve the safety of people and property**

**Statewide Strategy: Enforce the law**

### **Expected Results**

This Criminal Litigation Division assures that where the county prosecutor has a conflict of interest or needs assistance due to a lack of experience or other reasons, there is a competent, highly-skilled prosecutor to represent the state, resulting in greater public protection. This unit also assures that crimes of fraud involving state agencies are properly investigated and prosecuted so that the state agencies and other victims can recover their losses, and similar criminal activity against state agencies can be curtailed and deterred.

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

<b>PM0003/CRI - This is a count of the number of criminal litigation cases referred to the unit from outside the AGO.</b> <b>The primary function of our unit is to provide trial and consulting assistance to local prosecutors.</b>				
Biennium	Period	Target	Actual	Variance
2009-11	7th Qtr	31	0	(31)
	5th Qtr	31	0	(31)
	3rd Qtr	31	0	(31)
2007-09	8th Qtr	0	78	78
	4th Qtr	0	83	83
<p><i>The goal is to be able to provide assistance when requested. The increase in number of referrals represents the need for our services and the prosecutors' confidence in the quality of our work.</i></p> <p><i>Our 'target' is our best estimate on the number of potential referrals. The 'target' does not represent our workload capacity and our capacity will be subject to the complexity level of the cases referred.</i></p> <p><i>Fiscal Year estimate is 62.</i></p>				

## A004 Enforcement of Anti-Trust Laws

The Antitrust Division protects the citizens of Washington State from noncompetitive activities such as price-fixing, monopolization, and illegal mergers. The goal of strong anti-trust enforcement is having consumers benefit from fair competition in the form of lower prices or better services. The division files enforcement actions, responds to consumer complaints, provides advice to state agencies, and provides community education and outreach ensuring that consumers will have problems addressed, agencies will prevent problems from occurring, and businesses will become educated about their responsibilities under the antitrust laws.

	FY 2010	FY 2011	Biennial Total
FTE's	9.8	9.8	9.8
GFS	\$0	\$0	\$0
Other	\$1,492,000	\$1,507,000	\$2,999,000
Total	\$1,492,000	\$1,507,000	\$2,999,000

**Statewide Result Area:** Improve the economic vitality of businesses and individuals

**Statewide Strategy:** Regulate the economy to ensure fairness, security and efficiency

### Expected Results

*Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast*

The Anti-Trust Division protects the citizens of Washington State from antitrust activities such as price-fixing, monopolization, and illegal mergers, resulting in a competitive market, and consumers benefit from that competition in the form of lower prices or better services. The division responds to consumer complaints, provides advice to state agencies, and provides community education and outreach ensuring that consumers will have problems addressed, agencies will prevent problems from occurring, and businesses will become educated about their responsibilities under the antitrust laws.

**PM0004/ANT - Recoveries. We capture the efforts of AGO Antitrust staff who work to stop anticompetitive behavior and promote compliance with Antitrust laws. The measurement tells us the degree to which we recover monetary restitution for our consumers.**

Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	\$750,000	\$0	\$(750,000)
	4th Qtr	\$750,000	\$0	\$(750,000)
2007-09	8th Qtr	\$0	\$493,374	\$493,374
	4th Qtr	\$0	\$3,466,787	\$3,466,787

*Antitrust fund is a non-appropriated fund. The unit/staffing is self funded.*

*In addition to obtaining monetary recoveries, we provide advice to state agencies about antitrust issues.*

*Average annual recovery amount is \$6,102,772 (based on 5-year average).*

*Non dollar impact of our antitrust unit: stopping anticompetitive activities, including anticompetitive mergers, providing outreach and education, and responding to consumer complaints.*

## **A005 Enforcement of Consumer Protection Laws**

The Consumer Protection Division enforces the Consumer Protection Act, RCW 19.86. The division typically recovers more money on behalf of Washington consumers than the cost of its operation. Currently, the division is focusing on the foreclosure scam and debt collection industries, as well as continuing our enforcement efforts in the automobile and internet fraud sectors. It also takes on non-litigation matters that benefit consumers, such as responding to consumer calls, informally mediating consumer complaints, providing advice to other state agencies, and education and outreach activities. These activities provide consumers and businesses with the tools to educate themselves and make better decisions. The Consumer Protection Division also houses the Lemon Law Administration which promotes timely and effective new motor vehicle warranty service through mandatory arbitration, and the Manufactured Housing Dispute Resolution Unit, which fosters compliance with the Manufactured Housing Landlord Tenant Act through enforcement and investigation and mediation.

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

	FY 2010	FY 2011	Biennial Total
FTE's	59.6	59.6	59.6
GFS	\$2,768,000	\$3,081,000	\$5,849,000
Other	\$1,090,000	\$1,079,000	\$2,169,000
Total	\$3,858,000	\$4,160,000	\$8,018,000

**Statewide Result Area: Improve the economic vitality of businesses and individuals**

**Statewide Strategy: Provide consumer protection**

### Expected Results

The Consumer Protection Division enforces the Consumer Protection Act (CPA). The division brings civil actions under the CPA in order to affect general and specific deterrence of unfair and deceptive trade practices. The division's activities are expected to foster a fair, competitive, and nondeceptive market place, prevent consumer harm, promote voluntary compliance with economic regulation by business, and resolve disputes between buyers and sellers in the marketplace. The division is also expected to recover a portion of the costs of its operation through its litigation activity. The Consumer Protection Division also houses the Lemon Law Administration, which is expected to promote timely and effective new motor vehicle warranty service through mandatory arbitration and the Manufactured Housing Dispute Resolution Unit, which fosters compliance with the Manufactured Housing Landlord Tennant Act.

PM0005/CPR- Recoveries. Consumer Protection mission is to provide a fair and non-deceptive marketplace through vigorous civil law enforcement. We promote general deterrence and compliance with the CPA by obtaining and collecting monetary judgments.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	\$1.45	\$0	\$(1.45)
	4th Qtr	\$75.94	\$0	\$(75.94)
2007-09	8th Qtr	\$0	\$1.81	\$1.81
	4th Qtr	\$0	\$1.05	\$1.05
Not comparable to the Consumer Protection Annual Report which includes Mobile Home Unit, Lemon Law, and the Consumer Resource Center recoveries.				

## A006 Executive Ethics Board

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

The Executive Ethics Board (EEB) is an independent board with five members appointed by the Governor. The EEB promotes integrity, confidence, and public trust in state government through education, interpretation, and enforcement of the Ethics in Public Service Act (the Act). The Office of the Attorney General provides staff for the Board. Board members meet on a regular basis to interpret the Act for all state agencies, provide advice to agencies regarding ethical issues, promulgate rules to implement the Act, and take enforcement action against state employees who violate the Act. The Board staff investigates complaints filed by public employees and citizens, provides ethics training to all state agencies, and provides advice regarding ethics in the workplace to ensure that state officers and employees perform their public responsibilities with the highest ethical standards and conduct the business of the state to advance the public's interest and not use their position for personal gain or private advantage.

	FY 2010	FY 2011	Biennial Total
FTE's	4.1	4.1	4.1
GFS	\$0	\$0	\$0
Other	\$501,000	\$492,000	\$993,000
Total	\$501,000	\$492,000	\$993,000

**Statewide Result Area:** Strengthen government's ability to achieve results efficiently and effectively

**Statewide Strategy:** Support democratic processes and government accountability

### Expected Results

The Executive Ethics Board investigates complaints filed by public employees and citizens regarding violations of the Ethics in Public Service Act and prosecutes cases to completion. By completing investigations within a reasonable timeline and resolving its cases in a timely manner, state agencies, state employees, and the public is better served and public trust and confidence in government will increase.

PM0006/ETH - Average Number of Days to Complete an Ethics Investigation. By completing investigations within a reasonable period of time, the public will be better served and public trust and confidence in government will increase.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	180	0	(180)
	4th Qtr	180	0	(180)
2007-09	8th Qtr	180	178	(2)
	4th Qtr	180	268	88
The target is to complete routine investigations within an average of 180 days.				

## A007 Homicide Investigation Tracking System

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

The Homicide Investigation Tracking System (HITS) investigators and its data warehouse provide resources to local, state, and federal law enforcement agencies by giving them access to violent crime data and analyses across jurisdictions. Direct investigative assistance is also provided upon request. As a result, public safety is enhanced because violent offenders are identified and apprehended.

	FY 2010	FY 2011	Biennial Total
FTE's	7.7	7.7	7.7
GFS	\$776,000	\$792,000	\$1,568,000
Other	\$0	\$0	\$0
Total	\$776,000	\$792,000	\$1,568,000

### Statewide Result Area: Improve the safety of people and property

#### Statewide Strategy: Enforce the law

#### Expected Results

The HITS system and investigator provide assistance to law enforcement giving them much greater access to information, advice, and assistance that supports better and faster investigation of violent crimes. As a result, the best suspects are pursued in a more timely manner, which leads to saved time and better public protection.

PM0007/HITS - Access Requests. Our HITS team fields requests for information from our HITS database. We support Law Enforcement Agencies (LEAs) in the State of Washington upon request only and their access to the HITS database.				
Biennium	Period	Target	Actual	Variance
2009-11	7th Qtr	350	0	(350)
	5th Qtr	350	0	(350)
	3rd Qtr	350	0	(350)
2007-09	8th Qtr	0	912	912
	4th Qtr	0	721	721
<p><i>An increase in requests may indicate that LEA's experience positive results when the HITS Unit is called for assistance.</i></p> <p><i>Our 'target' in 0911 does not represent our workload capacity.</i></p> <p><i>Fiscal Year estimate is 700.</i></p>				

## A008 Investigation and Defense of Tort Lawsuits

The Torts Division provides high quality and efficient legal services by zealously defending tort claims and lawsuits, engaging in concerted efforts at resolving claims and lawsuits at the earliest stages, and by tracking early resolution rates on a quarterly basis. The division maintains a high rate of litigation success, with many lawsuits dismissed with zero payout, as well as a high rate of appellate success.



Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

	FY 2010	FY 2011	Biennial Total
FTE's	0.0	0.0	0.0
GFS	\$0	\$0	\$0
Other	\$149,000	\$149,000	\$298,000
Total	\$149,000	\$149,000	\$298,000

**Statewide Result Area:** Strengthen government's ability to achieve results efficiently and effectively

**Statewide Strategy:** Provide data, information, and analysis to support decision-making

### Expected Results

The Torts Division provide high quality and efficient legal services by measuring the age at which lawsuits resolve and by tracking clearance rates on a quarterly basis. The division maintains a high rate of Tort case appeal litigation success.

PM0008/TORTS - The percentage of Torts lawsuits which, when closed in a fiscal year with a payout, were resolved using early or informal resolution processes.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	25%	0%	(25)%
	4th Qtr	25%	0%	(25)%
2007-09	8th Qtr	0%	27%	27%
	4th Qtr	0%	24%	24%
<p><i>"Early Resolutions" are those cases resolving, with or without mediation, by:</i></p> <ol style="list-style-type: none"> <li><i>1) Evaluation for settlement early with either minimal or no formal discovery;</i></li> <li><i>2) Informal cooperative exchanges of evidence or legal analysis; or</i></li> <li><i>3) Working cooperatively to expedite an early ruling on potentially dispositive issues.</i></li> </ol> <p><i>Not all cases are appropriate for early or informal resolution because of the voluntary nature of the program, important legal principals must be clarified, or state interests..</i></p>				

## A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

The Medicaid Fraud Control Unit is a federally mandated and funded investigative and prosecutorial unit staffed by attorneys, auditors, investigators, and support personnel. The mission of the unit is to investigate and prosecute both fraud by health care providers that illegally divert Medicaid funds and the criminal abuse and neglect of residents in Medicaid funded facilities. The unit provides valuable assistance to local law enforcement in investigating and prosecuting crimes committed against vulnerable adults. The unit trains cadets at the Basic Law Enforcement Academy, other investigative agencies, and helps to coordinate the efforts of local vulnerable adult task forces whose missions are to improve the response to crimes committed against this population.

	FY 2010	FY 2011	Biennial Total
FTE's	23.0	23.0	23.0
GFS	\$763,000	\$730,000	\$1,493,000
Other	\$1,998,000	\$2,028,000	\$4,026,000
Total	\$2,761,000	\$2,758,000	\$5,519,000

**Statewide Result Area:** Improve the health of Washingtonians

**Statewide Strategy:** Provide access to appropriate health care

### Expected Results

Through the Medicaid Fraud Control Unit's efforts in investigating and prosecuting Medicaid fraud, money that is illegally taken or received is returned to the Medicaid system, and others are deterred from committing similar crimes. By assisting local law enforcement in the investigation and prosecution of crimes committed against the residents of Medicaid-funded facilities, offenders who abuse vulnerable adults are held accountable, and others are deterred from committing similar crimes. Both functions of the Medicaid Fraud Control Unit help ensure that the most vulnerable citizens of the state are protected.

PM009/MFCU - Recoveries. The amount of money ordered recovered each fiscal year as a result of the work performed by the Medicaid Fraud Control Unit of the AGO.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	\$4.23	\$0	\$(4.23)
	4th Qtr	\$4.23	\$0	\$(4.23)
2007-09	8th Qtr	\$0	\$9.02	\$9.02
	4th Qtr	\$0	\$6.25	\$6.25
<p>"Recoveries Ordered" is the amount of money ordered to be repaid to the State and Federal Medicaid program as a result of our work. Approximately half of the recoveries ordered come back to the state, and are split between the Medicaid program and the General Fund. The AGO MFCU is the only agency in the state tasked with policing the Medicaid program. If the MFCU did not perform this work, it would not be done by local agencies. Recoveries are very uncertain and vary each year.</p>				

## A010 Legal Services to State Agencies

Appropriation Period: 2009-11 Activity Version: 2C - 2009-11 Enacted Recast

The Office of the Attorney General provides legal advice and representation to over 230 state agencies, boards, and commissions, which collectively have a broad range of program responsibility. In addition to representing agencies in litigation, the office provides legal advice on issues such as personnel, contracts, public records, and specialized program advice. Some program responsibilities supported by the office include state and federal benefit programs administered by state agencies, state licensing and regulatory programs, state agency custodial programs, higher education institutions, natural resources programs, state agency capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities.

	FY 2010	FY 2011	Biennial Total
FTE's	924.5	916.0	920.3
GFS	\$332,000	\$349,000	\$681,000
Other	\$95,386,000	\$95,800,000	\$191,186,000
Total	\$95,718,000	\$96,149,000	\$191,867,000

**Statewide Result Area:** Strengthen government's ability to achieve results efficiently and effectively

**Statewide Strategy:** Provide data, information, and analysis to support decision-making

### Expected Results

The Office of the Attorney General will continue to provide high quality, option-based legal advice to assist state agency decision making, to reduce litigation costs and create efficiencies, and to serve the best interests of the public. In the litigation context, the office will continue to initiate, defend, and resolve cases effectively and efficiently for the benefit of the state, its agencies, and its citizens.

PM0010 - The number of litigation cases open at the end of each Fiscal Year.				
Biennium	Period	Target	Actual	Variance
2009-11	8th Qtr	25,786	0	(25,786)
	4th Qtr	26,460	0	(26,460)
2007-09	8th Qtr	0	27,000	27,000
	4th Qtr	0	27,557	27,557
Assumes litigation caseload only.				
Litigation cases include:				
1. Administrative				
2. Litigation Court (District, Superior, Juvenile/Family, U.S. District, and Bankruptcy)				
3. Litigation Appeal (Court of Appeal, and Supreme Court)				
4. Litigation Arbitration				
5. Litigation Tribal				
Decrease in case count reflects considerable emphasis on best practices.				

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**Grand Total**

	<b>FY 2010</b>	<b>FY 2011</b>	<b>Biennial Total</b>
<b>FTE's</b>	1,143.1	1,134.6	1,138.9
<b>GFS</b>	\$5,285,000	\$5,614,000	\$10,899,000
<b>Other</b>	\$115,229,000	\$115,750,000	\$230,979,000
<b>Total</b>	\$120,514,000	\$121,364,000	\$241,878,000